

Decision 01-05-028 May 3, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Catellus Development Corporation, a Delaware
Corporation, and SF Pacific Properties, Inc., a
Delaware Corporation,

Complainants,

vs.

Williams Communications, Inc., dba Vyvx, Inc.,
Delaware Corporation,

Defendant.

Case 00-04-012
(Filed April 5, 2000)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. By motion filed April 16, 2001, Defendant requests that the Commission order a second extension of the deadline in this proceeding.

Decision (D.) 01-03-076, which granted the parties' joint motion, extended the resolution deadline until May 3, 2001, so that the parties might have additional time to reach full settlement of this case and related actions pending in the superior courts. D.01-03-076 required the parties to file a joint motion for dismissal of this case by April 16, or in the alternative, to file a motion requesting a further extension of the schedule. Defendant's motion advises that the parties

have now reached settlement and require a further 60 days to execute all settlement documents and file the joint motion for dismissal. Defendant states that by granting the 60-day extension, the Commission will permit finalization of the settlement and save the substantial time and expense that otherwise would be required if this case were to go to hearing. Good cause appearing, we should grant the motion but we must adjust the extension to accommodate the Commission's established schedule of public meeting dates. We will extend the resolution period until July 12, 2001 in order to provide an approximately 60-day window plus time for the Commission's Executive Director to act on the motion for dismissal. Thus, the parties' motion for dismissal must be filed on or before June 28, 2001.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions which extend the deadline for resolution of adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable period for public review and comment is being waived.

Findings of Fact

1. Pursuant to Pub. Util. Code § 1701.2(d) and D.01-03-076, the current deadline for resolving this case is May 3, 2001.
2. The parties have reached settlement of this case and related actions pending in the superior courts but require an additional 60 days beyond May 3 to execute all settlement documents and file a joint motion for dismissal of this case.
3. Defendant has complied with D.01-03-076 by filing this motion for an extension of time.

4. Because the parties require additional time to finalize their settlement and file a joint motion for dismissal, the current deadline cannot be met.

Conclusions of Law

1. Defendant's April 16, 2001 motion for an extension of the current deadline for resolution of this proceeding should be granted, as adjusted to accommodate the Commission's established schedule of public meeting dates.

2. The current deadline for resolution of this proceeding, imposed by Pub. Util. Code § 1701.2(d) and D.01-03-076, should be extended until July 12, 2001.

IT IS ORDERED that the deadline for resolution of this proceeding, May 3, 2001, is extended until July 12, 2001. On or before June 28, 2001, the parties are to file a joint motion for dismissal of this proceeding.

This order is effective today.

Dated May 3, 2001, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners